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INFO RUEHZK/ECOWAS COLLECTIVE
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RUEAWJA/DEPT OF JUSTICE WASHDC
RUEAHLA/DEPT OF HOMELAND SECURITY WASHDC
RHEHNSC/NSC WASHDC
RUCPDOG/DEPT OF COMMERCE WASHDC
RUEATRS/DEPT OF TREASURY WASHDC
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RUEWMFD/HQ USAFRICOM STUTTGART GE
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK

UNCLAS SECTION 01 OF 03 LAGOS 000405

SIPDIS

STATE FOR AF/W,
TREASURY FOR DFIELDS, AIERONIMO, RHALL
DOC FOR 3317/ITA/OA/KBURRESS
DOC FOR 3130/USFC/OIO/ANESA/DHARRIS
LOC FOR USCO OMETZGER
DOJ FOR MKOUAME
STATE PASS USTR FOR USTR AGAMA
STATE PASS USAID FOR GWEYNAND AND SLAWAETZ
STATE PASS OPIC FOR ZHAN AND MSTUCKART
STATE PASS TDA FOR LFITT, PMARIN
STATE PASS EXIM FOR JRICHTER

E.O. 12958: N/A

TAGS: [KIPR](#) [ECON](#) [EINV](#) [ETRD](#) [PGOV](#) [NI](#)
SUBJECT: NIGERIA: OD TRAINING SUCCESSFUL BUT REVEALS
INTERAGENCY SHORTCOMINGS

REF: A. ABUJA 1364
[1](#)B. ABUJA 1039
[1](#)C. 2007 LAGOS 767
[1](#)D. 2007 ABUJA 2508
[1](#)E. 2007 ABUJA 2436

SENSITIVE BUT UNCLASSIFIED) NOT FOR DISTRIBUTION OUTSIDE
USG

[1](#)1. (SBU) Summary: During the August 18-19 two-day Optical Disc (OD) Enforcement workshop, Nigerian government agencies made progress in better understanding major deficiencies in Nigeria,s IPR enforcement. Despite the intentional harmful attempts by the Nigerian Copyright Commission (NCC) to sabotage the workshop, other agencies expressed appreciation for the program and said the workshop helped build interagency cooperation, and increase awareness. USG trainers lamented that Nigeria,s results continue to lag behind other countries that have received similar USG-sponsored training in IP enforcement. The increase in OD factories is particularly disappointing to the industry because the GON has been the recipient of numerous programs geared toward mitigation, yet the problem worsens. USG participants agreed that further cooperation with the NCC would be limited and that upcoming programs should focus on Customs training and work with other agencies. End summary.

Training Targets Copyright Skills, Enforcement Agents

[1](#)2. (U) On August 18-19 in Lagos the USG hosted an Optical Disc Enforcement training for more than 65 Nigerian government officials and private sector stakeholders. The workshop focused on practical issues regarding OD plant licensing, tracking sources of pirated optical discs and other investigative techniques. The workshop follows a series of increased USG engagement on IPR in Nigeria and builds upon the November 2007 and June 2008 IPR workshops,

January 2008 IP seminar on IP with Nigerian judges. The goal of the August workshop was to move from basic IP investigative skills to skills that are specific to copyright, and to assess Nigeria's progress and challenges since the November 2007 workshop. The training was led by interagency group with representatives of the U.S. Copyright Office, the U.S. Department of Justice, the U.S. Drug Enforcement Agency, and the U.S. Department of Homeland Security, and was sponsored by State Department/INL funds. This cooperative approach emphasized the importance of coordinated inter-agency action to effectively combat copyright infringement.

13. (U) Participants were drawn from the Nigerian Copyright Commission (NCC), the Economic and Financial Crimes Commission (EFCC), the Nigerian Customs Service (NCS), the Nigerian Police Force (NPF), the Federal Intellectual Property Law Association of Nigeria (IPLAN), the Performing Musicians Association of Nigeria (PMAN), the Standards Organization of Nigeria (SON), the Optical Disc Replicators Association of Nigeria (ODRAN), and a cross section of private sector stakeholders in the optical disc (OD) industry.

GON Lack of Cooperation

14. (U) As a demonstration of the importance of interagency cooperation, the Embassy held several GON interagency meetings to properly plan and organize the workshop. All agencies agreed upon the number of participants and the

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topics to be discussed several weeks beforehand. The USG planners had made it a priority that the EFCC and NCC have an equal number of participants in the workshop. Although the NCC is the primary law enforcement agency for IP, past experience has found that the EFCC's track record in effectively investigating IP crimes, including copyright infringement is much better.

15. (SBU) At the beginning of the workshop, key agencies such as the EFCC, SON and Customs, had sent fewer participants than planned. Following inquiries regarding why, it was revealed that the NCC Director General Adebambo Adewopo had sent letters to the heads of the various agencies requesting fewer participants in the workshop. When confronted with this information, NCC officials admitted that the letters were sent and that it had been a mistake. (Comment: We believe that the NCC intentionally attempted to weaken participation in the workshop and had also attempted to prevent private sector involvement in the workshop. NCC's actions greatly damaged their credibility as an organization devoted to working within the interagency process to stop, seize and prosecute IPR violators. End Comment). The other agencies expressed dismay and annoyance at the NCC's actions and the atmosphere to begin the workshop had been poisoned.

Topics Covered

16. (SBU) Specific topics covered during the workshop included an overview of optical disc regulations, tracing corporate ownership, inspecting records, forensic tracking of optical discs and administration of source codes, raids, and legal proceedings post-raid. Multi-agency panels led each segment, a structure which allowed participants to compare and contrast different practices by different countries and agencies. Participants especially welcomed the session on conducting raids, led by EFCC and Department of Homeland Security, with contributions from the International Federation of Phonographic Industries (IFPI), DEA, FBI and NCC, on best practices for conducting raids, maintaining secrecy and surprise, agent safety, and evidence preservation. The session gave participants the opportunity to address the NCC directly on issues they had observed

during attempted raids. During this segment, some disagreements between the EFCC and NCC emerged over the conduct and results of previous raids. In the course of the workshop, participants from other agencies raised concerns about the effectiveness of the NCC; they noted that better Nigerian inter-agency cooperation was needed, and that every government agency in Nigeria needed to work on IP enforcement.

Field Trip Reveals NCC Shortcomings

17. (SBU) Participants visited two optical disc plants during the workshop: Sky Media, selected by the NCC, and EcoMax Media, selected by IFPI. (Note: Industry representatives and those with financial interests in the optical disc industry were excluded from these visits. End note.) During the field visits, IFPI, NCC and plant representatives explained all relevant aspects of CD stampers, including where the manufacturer's code should be located, machinery terminology and production processes. Though plant inspections fall within NCC responsibilities, IFPI provided investigative tips and invaluable expertise during the plant visits. Discrepancies and irregularities were visible at Skymedia of the two plants.

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18. (SBU) Comment: Momentum is continuing within the GON to address major deficiencies in Nigeria's IPR enforcement. Despite the intentional attempts by the NCC to sabotage the workshop, the other agencies were pleased with the program and the workshop continued to build cooperation, and increase awareness. However, much more needs to be done. Nigeria is one of the largest markets in Africa, and U.S. industry representatives reported that the number of optical disc factories in Nigeria has grown to at least eighteen with a capacity to produce millions of disks. Nigerian-made optical discs have already been found in Algeria, Senegal, Ghana, Zambia and South Africa. USG trainers lamented that Nigeria continues to lag behind enforcement compared to other countries that have received similar USG-sponsored training in IP enforcement. The increase in OD factories is particularly disappointing to industry because the GON has been the recipient of numerous programs geared to it, yet the problem worsens. USG participants agreed that further cooperation with the NCC would be limited and that upcoming programs should focus on Customs training and work with other agencies. End Comment.

This cable has been cleared by Embassy Abuja.
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